DEPARTMENT OF STATE A/CDC/MR
REVIEWED BY J.M. Razi DATE Sept. 19, 1980
RDS☐or XDS☐EXT. DATE July 11, 1967
TS AUTH. REASON(S)
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Mr. Hwang
Deputy S/S/P
Comes in release
L → R
Sept. 17, 1980

DEPARTMENT OF STATE
THE LEGAL ADVISER

MEMORANDUM FOR THE SECRETARY

THROUGH: S/S

FROM: L - Leonard C. Meeker

SUBJECT: June 8 Attack on U.S.S. Liberty

The United States Navy Court of Inquiry on the attack against the Liberty was convened on June 10, 1967. Following the completion of its proceedings, a summary of them was issued in a Department of Defense press release on June 28. The summary was accompanied by the unclassified transcript of testimony by the Commander of the Liberty. These two documents are attached at TAB A.

An Israeli military investigation of the attack was undertaken in June. Neither a transcript of the proceedings nor a summary of them has been made public or communicated to the United States Government. An Israeli military officer gave some explanations to our naval attaché in Tel Aviv as to how the attack came about through mistake, but these explanations were essentially unrevealing as to what the investigation brought out. It is reported that the Israeli Chief of Staff was dissatisfied with the initial investigation. He thereafter announced that the whole matter had been turned over to a legal officer in the IDF for further examination and to determine whether any court-martial should be held. There has been no indication as to the course of this second Israeli inquiry.

On June 10, 1967 the Israeli Ambassador in Washington delivered a note stating that "The Government of Israel is prepared to make amends for the tragic loss of life

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and material damage". On the same day Under Secretary Rostow handed to Ambassador Harman a United States note concerning the attack on the Liberty. This note contained certain errors in stating the times at which the air and torpedo boat attacks took place and the times of reconnaissance flights during the morning. An amended note, correcting these errors and incorporating minor changes of language proposed by Nick Katzenbach and Walt Rostow, is being given to Ambassador Harman this afternoon. A copy of the corrected note is attached at TAB B.

Following the receipt of our initial note of June 10, the Israeli Embassy gave us a further note on June 12. This is attached at TAB C. Under Secretary Katzenbach has suggested to Ambassador Harman that the Israeli Embassy might wish to withdraw or change this note, and we understand that the Israelis are thinking of doing so after they receive our corrected note.

Since June 10, and as a result of examining carefully the full testimony before the United States Naval Court of Inquiry, we have learned a good deal more than we knew earlier about the reconnaissance flights on the morning of June 8. It now appears that there were at least eight such flights, spread over a period of seven and one-half hours between 0515 and 1245, local time. None of the reconnaissance planes was identified by observers on the Liberty; apparently they were not near enough for the markings to be made out. Analysis of the whole situation, including movements of United States aircraft on the morning of June 8, has led the Navy to conclude that the reconnaissance aircraft could only have been Israeli. Tabulation of the reconnaissance flights is attached at TAB D. The times indicated on this tabulation are being given informally to Ambassador Harman this afternoon.

The air attack commenced shortly after 1400 hours, local time, on June 8. The attacking planes made a number of bombing and strafing runs over the ship. Shortly after

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1430 hours three motor torpedo boats closed on the Liberty. Two of them fired torpedoes; one passed astern of the Liberty; the other hit the ship, opened a large hole in the hull, and killed a large number of communications personnel who were by that time at their general quarters station in the communications compartment. Further details about the attack and the events thereafter are given in the summary of proceedings of the Navy Court of Inquiry and in the testimony of the Liberty's Commander.

There appeared in the Washington Star on July 6 an eye witness account of the attacks on June 8 by Micha Limor, a crew member on one of the Israeli torpedo boats. A copy of this story is attached at TAB E.

The Department of State is now assembling data from the Navy and other sources for the presentation of a monetary claim to the Government of Israel. This will include amounts for loss of life, injuries, and damage to the ship and its equipment. The total claim is likely to run into several millions of dollars. It will be presented as soon as we have the necessary information in hand and in shape to go ahead with making the claim.

Attachments:

TAB A - Defense Press Release and Transcript of Testimony by Commander of Liberty.
TAB B - Corrected Note to be Delivered to Ambassador Harman July 11, 1967.
TAB C - Israeli Note of June 12, 1967.
TAB D - Tabulation of Reconnaissance Flights.
TAB E - Washington Star Article of June 8, 1967.

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Tab B

The Secretary of State presents his compliments to His Excellency the Ambassador of Israel and has the honor to refer to the Ambassador's Note of June 10, 1967 concerning the attacks by Israeli aircraft and torpedo boats on the United States naval vessel U.S.S. Liberty, which were carried out shortly after 1400 and 1430 hours local time, respectively, on June 8, 1967 while the U.S.S. Liberty was engaged in peaceful activities in international waters.

At the time of the attack, the U.S.S. Liberty was flying the American flag, and its identification was clearly indicated in large white letters and numerals on its hull. It was broad daylight and the weather conditions were excellent. Experience demonstrates that both the flag and the identification number of the vessel were readily visible from the air.

Beginning at about 0515 hours local time on June 8, 1967, and at intervals thereafter prior to the first attack, aircraft believed to be Israeli circled the U.S.S. Liberty on a number of occasions.

/Accordingly,

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Accordingly, there is every reason to believe that the U.S.S. Liberty was or should have been identified, or at least her nationality determined, prior to the attack. In these circumstances, the later military attack by Israeli aircraft on the U.S.S. Liberty is quite literally incomprehensible. As a minimum, the attack must be condemned as an act of military irresponsibility reflecting reckless disregard for human life.

The subsequent attack by Israeli torpedo boats, substantially after the vessel was or should have been identified by Israeli military forces, manifests the same reckless disregard for human life. The silhouette and conduct of the U.S.S. Liberty readily distinguished it from any vessel that could have been considered as hostile. The U.S.S. Liberty was peacefully engaged, posed no threat whatsoever to the torpedo boats, and obviously carried no armament affording it a combat capability. It could and should have been scrutinized visually at close range before torpedoes were fired.

While the Ambassador of Israel has informed the Secretary of State that "the Government of Israel is prepared to make amends for the tragic loss of life and material damage," the Secretary of State wishes to make

/clear

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clear that the United States Government expects the Government of Israel also to take the disciplinary measures which international law requires in the event of wrongful conduct by the military personnel of a State. He wishes also to make clear that the United States Government expects the Government of Israel to issue instructions necessary to ensure that United States personnel and property will not again be endangered by the wrongful actions of Israeli military personnel.

The United States Government expects that the Government of Israel will provide compensation in accordance with international law to the extent that it is possible to compensate for the losses sustained in this tragic event. The Department of State will, in the near future, present to the Government of Israel a full monetary statement of its claim.

Department of State

Washington,

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Tab C

EMBASSY OF ISRAEL
WASHINGTON, D.C.

שגרירות ישראל
וושינגטון

The Ambassador of Israel presents his compliments to the Honorable the Secretary of State and has the honor to refer to the Secretary of State's Note of June 10, 1967, concerning the attack by Israeli aircraft and torpedo boats on the United States naval vessel U.S.S. Liberty.

The Government of Israel feels that the statement that "there is every reason to believe that the U.S.S.Liberty was identified, or at least her nationality determined, by Israeli aircraft approximately one hour before the attack" is unfounded.

Nor can the Government of Israel accept the statement that "the attack must be condemned as an act of military recklessness reflecting wanton disregard for human life."

The Government of Israel is of the view that the drawing of such conclusions before a full investigation has been made is unwarranted.

The Government of Israel has already announced the establishment by the Chief-of-Staff of the Israel Defense Forces of a Commission of Enquiry to make a full investigation of all the facts and circumstances. The Government of Israel will make available to the Government of the United States the findings of this investigation, and, for its part, would hope that the Government of the United States will make available to the Government of Israel the findings of its own investigation.

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The Government of Israel recalls that as soon as this tragic error occurred it immediately informed the Government of the United States of what had taken place. The Government of Israel immediately assumed responsibility for this error and conveyed its apologies and deep regret for what had occurred and for the grievous loss of life.

Subsequently, as mentioned in the Secretary of State's Note of June 10, 1967, the Government of Israel took the initiative to offer to make amends for the tragic loss of life and material damage. Further, all assistance was offered by the personnel of the Israel Defense Forces to the U.S.S.Liberty, but these personnel were informed by the U.S.S.Liberty that such help was not needed. The area around the U.S.S.Liberty was immediately searched by Israel Defense Forces personnel, by plane and boat, and subsequently search efforts were renewed.

The Government of Israel has standard instructions of the most stringent nature to all its military personnel that the personnel and property of the United States as of all countries not involved in hostilities, shall not be endangered. These instructions have been renewed.

The Government of Israel regrets that it was not given prior information by the Government of the

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EMBASSY OF ISRAEL
WASHINGTON, D.C.

שגרירות ישראל
וושינגטון

United States of the presence of a United States vessel in an area which the United Arab Republic had warned neutral vessels to avoid, as it was an area of hostilities. The area was in fact being used by the United Arab Republic for purposes of hostilities against Israel. It would be appreciated if the Government of Israel could be given timely information of the approach by United States vessels to shores where the Israel Defense Forces are in authority.

The Government of Israel renews its offer to make amends and has instructed the Ambassador of Israel to reiterate its profound regret for the consequences of what was admittedly a tragic error.

The Ambassador of Israel avails himself of this opportunity to renew to the Honorable the Secretary of State the assurances of his highest regard.

Washington, D.C.
June 12, 1967.

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U.S.S. LIBERTY

CHRONOLOGY ON THE MORNING OF JUNE 8, 1967

0515 hours -- Double-fuselage twin-engine aircraft circled the LIBERTY three or four times and departed in the direction of Tel Aviv.

0850 hours -- Single jet aircraft passed astern and then circled the U.S.S. LIBERTY.

1030 hours -- Flight of two jet aircraft circled the U.S.S. LIBERTY three times.

1056 hours -- Single aircraft circled the ship at high altitude.

1126 hours -- Single aircraft circled the ship.

1150 hours -- Single aircraft flew over the ship.

1220 hours -- Single twin-engine aircraft circled the ship.

1245 hours -- Single aircraft flew over the ship at an altitude of 5 to 8,000 feet.

L = Captain McGonagal

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AN ISRAELI EYEWITNESS STORY | USNS JUL 6 - 1967

The Attack on the USS Liberty

By MICHA LIMOR
Written for the Associated Press

TEL AVIV—The torpedoes were ready for firing when our three Israeli torpedo boats zeroed in on the gray ship moving slowly on a southeasterly course off El Arish.

Not one of us on those torpedo boats could have suspected that this was the beginning of an incident which was to cause a long drawn-out international wrangle.

The morning of June 8, the fourth day of the six-day war, the Israeli torpedo boats were at their base refueling and taking on provisions.

On the ground, the capture of Sinai and of the western bank of the River Jordan had already been completed. On the naval front, the torpedo boats had already seen action and had spent many hours patrolling Israel's western border.

The crews were mostly members of the regular navy and only a minority of them reservists like myself.

Equipment in Order

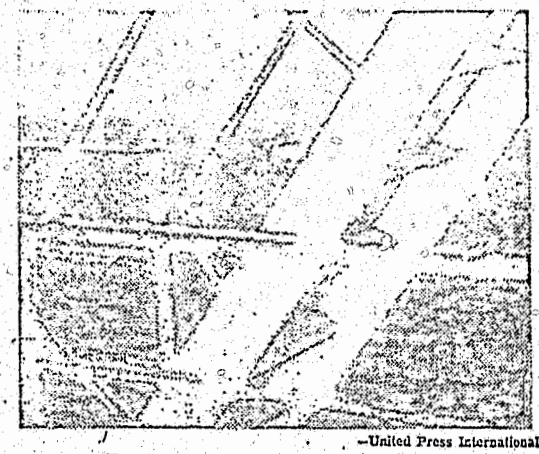
Over the years we had been trained to operate these torpedo boats—of French manufacture, some 10 years old—against the possibility that they would be put to the test.

Over the past days the gunners showed great accuracy. The instruments worked as they were supposed to, and the little vessel functioned with maximum efficiency.

On June 8, the sun was high in the sky when we received notification of an unidentified vessel some 12 miles off the El Arish coast, suspected of being an enemy craft.

In five minutes were were moving out in formation, torpedo boat after torpedo boat, toward the deep sea.

We spotted the objective once on the radar screen. She was moving on a steady course, southeast at about 10 knots. We sailed toward her at an increased speed, looking at her through binoculars.



—United Press International

Torpedo boat sweeps by Liberty.

An Israeli naval reservist, Micha Limor, was aboard one of the torpedo boats that attacked the U. S. Navy communications ship Liberty. Here he tells the graphic details.

Planes Open Attack

Two of our planes flew over our heads a few minutes afterward. We saw them circle the ship several times, and then dive into the attack. They fired two rockets into the ship, and plumes of smoke rose. Then the two jets headed away toward the coast.

About 2,000 yards from the ship, the high masts and the many weird antenna showed that this was a warship. The side of the vessel was blotted out by smoke, and apart from three numbers along her side, we could not discern a thing.

We could see no flag on the mast, nor was anyone to be seen on the decks and bridge.

For seamen, this can mean only that this was the enemy.

We spent several minutes demanding identification by radio and by heliograph, she gave no answer. It also seemed that she had managed to control the fires and continued on a stable course.

It was decided to pass by her in battle formation and demand identification by firing across her bow. So we moved past at a tremendous speed, firing across the empty bridge and the bow. Suddenly, a sailor started firing at us with a heavy machine gun from the bridge. We directed cannon against him and a moment later he fell. Thus there was no doubt that we were faced by the enemy. The prolonged refusal to identify herself, the absence of any flag, the shooting at us, and above all the weird contraptions on the ship left us without doubt.

Torpedo Attack Made

We wanted to make the ship surrender without sinking her. Once again we circled, firing again and again. This had no effect. No one appeared. No one reacted. The shells caused little damage to the hull anl the ship proceeded on its way.

Nothing can annoy a torpedo boat crew more than being ignored. The order was given to prepare for a torpedo attack. We drew up along the left side of the boat at full battle speed. Just as in dozens of training exercises we reached the right angle and range and let go.

One of the torpedoes hit the boat amidships. There followed an enormous explosion and a huge water spout.

And then fires broke out and the boat leaned sideways. We waited for survivors as is customary for seamen—whether friend or enemy. But no one appeared on deck.

Suddenly, something fell into the sea. One of our formation approached and picking it up from the waters found it to be a rubber lifeboat with the lettering "U.S. Navy."

That was the very first sign of identification.

U.S. Flag Appears

A moment later there arrived on the scene the helicopter that was to have picked up prisoners. He hovered over the boat and then signaled us:

"They are raising the American flag."

It was crystal clear we had hit friends.

Dozens of shells, rockets and torpedoes were needed to drag a sign of identity from them The showing of the Stars and Stripes at the very first stage would have prevented all that happened subsequently.

At the same time, it turned out later shore emplacements also learned that the attacked vessel was the American intelligence boat Liberty.

We recived orders directly from the officer commanding the navy to give all necessary help. So we approached the Liberty and offered help, shouting through a loudspeaker.

Then an officer appeared for the first time on the bridge and screamed "Go to hell!"

Learning they did not need aid, we left. And the Liberty returned to its regular operation. It seemed any other ship would have sunk.

It was only later that we learned how many casualties were caused by our torpedoes.

"If this had been our boat," one of our officers said the following day," we would have done everything to save the wounded and not the boat."

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